

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT
OF PENNSYLVANIA

JO ANN FONZONE AKA JUDY MC GRATH, PLAINTIFF

VS.

CIVIL ACTION 12-5726

JOE OTERI, ET AL , DEFENDANTS

PLAINTIFF'S MOTION TO COMPEL PRDUCTION OF DOCUMENTS OR THINGS IN
PURSUANT TO SUBPOENA FILED AND SERVED UPON THE PHILLIES ORGANIZATION,
CITY OF PHILADELPHIA, AND DEFENDER ASSOCIATES

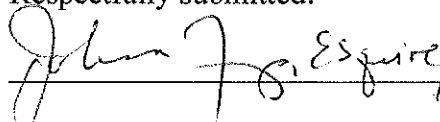
AND NOW, comes the Plaintiff , by and through her attorney, Jo Ann Fonzone, Esquire, and
hereby requests this court Order the above mentioned parties to produce the videotape of the
stadium concourse at section 108 of Ocotber 6, 2010 as stated on the subpoena to produce same
mailed January 19, 2022 and received by parties Jnauary 24, 2022 by certified U. S. Mail.

Plaintiff has tracked the Requests of the certified mailings to the three named above and hereby
includes evidence of the date of receipt and the signed certified card from the Phillies organization.
Moreover, herein is included three Proof of Services pursuant to FRCP 34, and though perhaps not
required ,Plaintiff has included these according to FRCP 45(a)(1)(c).

WHEREFORE , Plaintiff requests that this Honorable court Order one or all who have possession
of the videotape or knowledge thereof, provide information of anyone else who has videotape ,
to produce said videotape or file and serve official notification as to why they are all willfully in
vioaltion of the Federal civil subponea 30 day ruleand when they will be in ful compliance with
the Federal subpoena or provide Plaintiff with informtion as to who else has such videotape.

Date: March 2, 2022

Respectfully submitted:

 #203914

CERTIFICATE OF SERVICE

I, Jo Ann Fonzone, Esquire hereby certify that I have on this day caused to be served by U. S. Mail the aforementioned Motion to compel compliance with the Federal subpoena served on January 19, 2022 at the addresses below:

Phillies organization office manager
One citizen park way
Philadelphia, Pa 19148

Aaron Shotland, Esq.
City of Philadelphia
1515 Arch St. 14th floor
Philadelphia, pa 19102

Dennis Kelly, manager
Defender Associates
1441 Samsun St.
Philadelphia, Pa 19107

Jo Ann Fonzone, Esquire

March 2, 2022

Jo Ann Fonzone Esquire
confidential 15d address

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

Eastern District ^{for the} of Pennsylvania

Jo Ann Fonzzone aka Judy McGrath

Plaintiff

v.

Joe Oteri, et al

Defendant

Civil Action No. 12-5726

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The Phillies Organization

(Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: VIDEOTAPE OF CONCOURSE SECTION 108 OF 10/06/10 Phillies-Reds game

Place:

631 Primrose Lane, Allentown, PA 18104

Date and Time:

Upon receipt of subpoena

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/17/22

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

John F. Esquire

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff

, who issues or requests this subpoena, are:

Jo Ann Fonzzone, Esq. aka Judy McGrath, 631 Primrose Lane, Allentown, PA 18104 Jo76ey@aol.com

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*I received this subpoena for (name of individual and title, if any) _____
on (date) _____.

☒ I served the subpoena by delivering a copy to the named person as follows: Phillie's Organization
Office Manager - One Citizens Park Way, Philadelphia 19148 certified mail
 on (date) 1/19/22; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 7.38 ^{certified} ~~0.00~~ _{mailing}.

I declare under penalty of perjury that this information is true.

Date: 1/19/22

John F. Esquire
 Server's signature
John F. Esquire, Esquire
 Printed name and title

631 Primrose Lane, Allentown PA 18104
 Server's address (confidential)

Additional information regarding attempted service, etc.: _____

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Jo Ann Farnum aka Judy McGrath
 Plaintiff
 v.
Joe Oteri et al
 Defendants

Civil Action No. 12-5726

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Defender Assoc., Dennis Kelly, 1441 Sanson St., Phila. Pa 19107
 (Name of person to whom this subpoena is directed)

☒ **Production: YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

videotape of concourse section 108 of 10/06/10 - Phillies - Red's game

Place:	Date and Time:
--------	----------------

☐ **Inspection of Premises: YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/17/22

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) _____

on (date) _____

☒ I served the subpoena by delivering a copy to the named person as follows:Defender Associates
Dennis Kelly - 1441 Sanson St., Philadelphia PA 19107
on (date) 1/19/22; or☐ I returned the subpoena unexecuted because: _____Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 738 ~~400~~ ^{cert money}

I declare under penalty of perjury that this information is true.

Date: 1/19/22John J. Esquire
Server's signature
Jo Ann Fonzore Esquire
Printed name and title631 Primrose Lane, Allentown PA 18104
Server's address
(confidential)

Additional information regarding attempted service, etc.: _____

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Jo Ann Fonzare aka Judy McGrath

Plaintiff

v.

Joe Oteri, et al

Defendants

Civil Action No. 12-5726

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Aaron Shottland, City of Philadelphia, 1515 Arch St, Phila, PA
(Name of person to whom this subpoena is directed)☒ Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

videotape of concourse section 108 of 10/06/10 Phillies-Reds game

Place:

631 Primrose Lane, Allentown, PA 18104

Date and Time:

upon receipt of subpoena

☐ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/17/22

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

John F. Esquire

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff, who issues or requests this subpoena, are:

Jo Ann Fonzare Esq, aka Judy McGrath, 631 Primrose Lane, Allentown PA 18104

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*I received this subpoena for (name of individual and title, if any) Walter J. [Signature]

on (date) _____

☒ I served the subpoena by delivering a copy to the named person as follows:Araron Shotland
City of Philadelphia Civil rights section, 1515 Arch St., 14th floor
Philadelphia, PA 19102 on (date) _____; or☐ I returned the subpoena unexecuted because: _____Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 7.38 ~~0.00~~ *certified mailing*

I declare under penalty of perjury that this information is true.

Date: 1/19/22[Signature]
Server's signature
W. Ann Foxzone Esquire
Printed name and title631 Primrose Lane, Allentown, PA 18104
Server's address *(confidential)*

Additional information regarding attempted service, etc.: _____

Total		\$8.95
Priority Mail® 1-Day 1		\$8.95
Flat Rate Env		
Philadelphia, PA 19107		
Flat Rate		
Expected Delivery Date	✓ Delivered Jan. 24 Del. Assoc.	
Thu 01/20/2022		
Tracking #:		
9505 5265 0352 2019 5534 19		
Insurance		\$0.00
Up to \$50.00 included		
Total		\$8.95
US Flag Bklt/20	1	\$11.60 \$11.60
First-Class Mail®	1	\$0.58
Letter		
Philadelphia, PA 19148		
Weight: 0 lb 0.30 oz		
Estimated Delivery Date	- Phil's Delivered Jan. 24	
Sat 01/22/2022		
Certified Mail®		\$3.75
Tracking #:		
70212720000011064070		
Return Receipt		\$3.05
Tracking #:		
9590 9402 7044 1225 5956 79		
Total		\$7.38
Grand Total:		\$36.88

 USPS is experiencing unprecedented volume increases and limited employee availability due to the impacts of COVID-19. We appreciate your patience.

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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All sales final on stamps and postage.
 Thank you for your business.

UFN: 410128-5558
 Receipt #: 840-21700701-2-3217736-2
 Clerk: 00

PA 190

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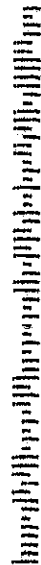
9590 9402 7044 1225 5956 79

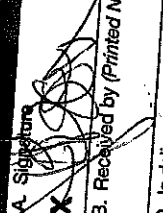
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Jo Ann Fournier, Esquire
637 Primrose Lane
Allentown PA 18104

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Postage & Fees Paid
USPS
Permit No. G-10**



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p><i>The Phillies Organization Manager</i> <i>One Citizens Bank Park Way</i> <i>Philadelphia, PA 19148</i></p> <p>2. Article Number (Transfer from service label)</p> <p>7021 2720 0000 1106 4070</p> <p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>		<p>A. Signature  <input checked="" type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) <u> </u> <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery <u>1/21/22</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> red Mail <input type="checkbox"/> red Mail Restricted Delivery</p> <p>Postage: \$500</p>	

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Tracking Number: 70212720000011064070

Remove X

Your item has been delivered to an agent for final delivery in PHILADELPHIA, PA 19148 on January 21, 2022 at 8:12 am.

USPS Tracking Plus™ Available ∨

 **Delivered to Agent for Final Delivery**

January 21, 2022 at 8:12 am
PHILADELPHIA, PA 19148

Get Updates ∨

Text & Email Updates	∨
Tracking History	∨
USPS Tracking Plus™	∨
Product Information	∨

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Tracking Number: 9505526503522019553419

Remove X

Your item was delivered in or at the mailbox at 10:23 am on January 24, 2022 in PHILADELPHIA, PA 19107.

USPS Tracking Plus™ Available ✓

✓ Delivered, In/At Mailbox

January 24, 2022 at 10:23 am
PHILADELPHIA, PA 19107

Get Updates ✓

Text & Email Updates	✓
Tracking History	✓
USPS Tracking Plus™	✓
Product Information	✓

See Less ^

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE aka JUDY MC GRATH, PLAINTIFF

VS.

NO. 5:12-CV-5726
CIVIL ACTION
JURY TRIAL DEMANDED

*There were no
documents or
statements
or anything
produced by
defendants.*

JOE OTERI, ET AL, DEFENDANTS

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

1. All statements, memoranda, notes or writings, e-mails of any and all witnesses and parties you represent including any and all statements, memoranda, writings of defendants from October 6, 2010 to present .
2. All photographs, recordings, video, taken or prepared at Citizens bank park October 6, 2010, or by any defendant from October 6, 2010 to present.
3. Any and all documents containing the home and business addresses of all individuals contacted as potential witnesses.
4. All bills, receipts, diagnoses or prognoses and records for any and all medical, physical, psychiatric and/or psychological treatment by any doctor, hospital, psychologist, pharmacy, or medical facility for any injury, damage or treatment , including psych evals received by any defendant employee of Philadelphia you represent in the last ten years .
5. All medical records, employer's statements, police personnel files, employment records, military history including any Internal Affairs complaints or grievances against any defendant police officer , Internal Affairs investigator , bench warrant officer , or Riverside officer for any misconduct, any suspensions from work or any other disciplinary actions taken against the officers in the last ten years.
6. Reports of any and all experts who will testify at trial.
7. Any and all press releases in the possession of counsel for defendants.
8. Any and all Income tax returns filed by defendants and/or in his/her /their behalf within the three years immediately prior to October 6, 2010 up to and including the present.

9. Copy of every gun ownership certification or registration for every firearm kept in each defendant officers residence during the past ten years.
10. Information concerning superior's knowledge of all defendant officers alleged past violations and misconduct and what action ,if any, was taken .
11. Any and all materials including emails, correspondence, related to the state district attorney's investigation of arrest and Plaintiff's Public corruption unit complaint of July 6, 2012 should be produced.
12. Plaintiff's fingerprint card taken at 1st Police district Philadelphia on October 6, 2010.
13. Any and all materials and files requested by Plaintiff in the Right -To_Know requests to Philadelphia police department.
14. Letter of transmittal of Plaintiff's Internal Affairs complaint of Officers kelewischky, Bee, Kovacs, Ortiz with precise date of transmission to Philadelphia District Attorney's office , as protocol on back of IA complaint form requires , and copy of Plaintiff's Internal Affairs complaint with attachments, (including Plaintiff's Permanent Protection From Abuse Order from her estranged spouse).
15. Any and all written communications , including emails and facsimiles, between employees of the Philadelphia District attorney and the police , (including any response from then Commisssioner Ramsay to Plaintiff's letter to him in July 2012),Plaintiff's defense attorneys or Court personnel about Plaintiff of prohibited ex parte nature from October 6, 2010 to present.
16. Any and all materials in Philadelphia police file which a re Brady exculpatory and have not yet been disclosed to Plaintiff, including the precise date, reasons and circumstances surrounding the promotion of John Evans to Internal Affairs and the date he was reassigned to investigation of Plaintiff's IA complaint after her complaint had already been deemed valid and founded by a Lieutenant and another Sergeant.

CERTIFICATE OF SERVICE

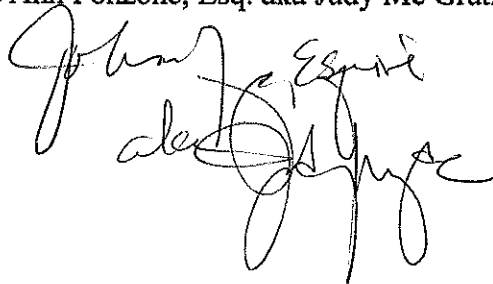
I Jo Ann Fonzone , Esq. aka Judy Mc Grath, hereby certify that I have on this day caused to be served a true and correct copy of the FRCP 26 Plaintiff's Initial Discovery Disclosures upon the following at the addresses as listed below:

Aaron Shotland, Esq.
Phila. Law dept.
1515 Arch St., 14th floor
Phila., Pa 19102

Phila. District attorney
3 S.Penn Square
Phila. ,Pa 19107

October 19, 2016

Jo Ann Fonzone, Esq. aka Judy Mc Grath

A handwritten signature in black ink, appearing to read 'Jo Ann Fonzone' with a stylized flourish at the end.